

# PATENT COOPERATION TREATY PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty).

(PCT Article 36 and Rule 70)

REC'D 26 SEP 2005  
WIPO PCT

Applicant's or agent's file reference	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. <b>PCT/AU2004/001407</b>	International filing date (day/month/year) <b>15 October 2004</b>	Priority date (day/month/year) <b>17 October 2003</b>	
International Patent Classification (IPC) or national classification and IPC <b>Int. Cl. <sup>7</sup> A61B 5/103; G01L 3/00; 5/00; G01C 22/00</b>			
Applicant <b>M.B.T.L. LIMITED et al</b>			

This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

This REPORT consists of a total of 3 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of      sheets, as follows:

- ☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
- ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))      , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

i. This report contains indications relating to the following items:

- ☒ Box No. I      Basis of the report
- ☐ Box No. II      Priority
- ☐ Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV      Lack of unity of invention
- ☒ Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI      Certain documents cited
- ☐ Box No. VII      Certain defects in the international application
- ☐ Box No. VIII      Certain observations on the international application

Date of submission of the demand <b>9 February 2005</b>	Date of completion of the report <b>12 September 2005</b>
Name and mailing address of the IPEA/AU <b>AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929</b>	Authorized Officer  <b>AMOD PRADHAN</b> Telephone No. (02) 6283 2510

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/AU2004/001407

## Box No. I Basis of the report

With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1 (b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages	as originally filed/furnished
pages*	received by this Authority on with the letter of
pages*	received by this Authority on with the letter of

☐ the claims:

pages	as originally filed/furnished
pages*	as amended (together with any statement) under Article 19
pages*	received by this Authority on with the letter of
pages*	received by this Authority on with the letter of

☐ the drawings:

pages	as originally filed/furnished
pages*	received by this Authority on with the letter of
pages*	received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to the sequence listing (*specify*):

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001407

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## Statement

Novelty (N)	Claims 1 - 8	YES
	Claims	NO
Inventive step (IS)	Claims 1 - 8	YES
	Claims	NO
Industrial applicability (IA)	Claims 1 - 8	YES
	Claims	NO

Citations and explanations (Rule 70.7)

## NOVELTY (N); INVENTIVE STEP (IS) & INDUSTRIAL APPLICABILITY (IA)

### CLAIMS 1 - 8

The applicant's submissions have been carefully considered.

The invention defined in the present claims is characterised by a method of deriving three orthogonal components of ground reaction force (GRF) to analyse an athlete's performance by combining data acquired from in shoe force sensors with data acquired from a 3D accelerometer located at an athlete's centre of mass. As such, two pieces of equipment, the in shoe force sensor, and the 3D accelerometer are essential to the definition of the invention.

None of the prior art documents cited in the International Search Report disclose this precise arrangement on their own rendering the invention defined in the present claims novel over this cited prior art.

It is believed that the two pieces of equipment, viz. the in shoe force sensor, and the 3D accelerometer, and the combination of the data acquired from the two pieces of equipment to derive three orthogonal components of ground reaction force (GRF) to analyse an athlete's performance would not be obvious to a person skilled in the art, and the invention defined in the present claims therefore possesses an inventive step.

The invention defined in the present claims industrially applicable.

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